

TOWN OF CORNWALL

ZONING BOARD

July 15, 2013

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
 EILEEN REGAN
 WILLIAM LEE
 TED DOBIAS
 ARLENE ROBERTS

ALSO PRESENT: ADAM RODD, ESQ.
 ZONING BOARD ATTORNEY

MEETING AGENDA:

1. Eliakostas & Zagon LLC

REGULAR ITEMS:

MS. RANSOM: The July 15 meeting of the Cornwall Zoning Board of Appeals will now come to order.

ELIAKOSTAS & ZAGON LOT LINE CHANGE - CONTINUATION

MS. RANSOM: We have one continuation from last month, the lot line change for Eliakostas and Zagon. Would you please make your presentation or followup?

MR. HIGGINS: Sure, Dave Higgins, Lanc & Tully Engineering and Surveying. I know Ronny Knowlton from my office was here at the meeting last month. I think he gave a brief review of the application. Essentially, I'll just go through it, I guess as a reminder, and I did make some modifications, very minor modifications to address some of the questions that were brought up at the meeting last month. Basically, what we have are two lots, lots 17 and lot 18 of the Chadeayne Woods subdivision filed back in December of 2003. What happened was I guess during the course of construction, Mr. Eliakostas who owns lot 17 I guess had mistakenly put some improvements, actually went across the property line. The existing property line is basically shown, it's this line on this, it's on this side of the shaded region that's the existing property line. What happened was the driveway basically is in some places just beyond the property line. There was some landscaping improvements and trees, a very large boulder on the line and then he had a metal fence installed basically along what he thought apparently was the property line at the time. Unfortunately, the property line was here and he had gone beyond it. So what we're looking to do is to try and do a lot line change basically to transfer .048 plus or minus acres, there was a typographical error in the cover letter but it's .048 acres of land that's being transferred. And we had gone to the planning board probably I guess two months ago and discussed the application with them and because the town had changed the zoning after the map was filed essentially I think the minimum lot size was probably one acre, now it's two acres in size. So as a result, one of the lots is obviously being made smaller, lot 18 is being made slightly smaller to allow that lot line change. So because of that, the acreage for lot 18 is being made smaller, it's less than two acres, the planning board indicated that we needed to get a variance to allow that. Also there was a change in the developmental coverage that is now, I think it's development coverage is now 12 percent which is the total impervious area on the property, you know, as a percentage of the total lot area. Basically, with regards to lot 18 because that lot is being made slightly smaller and, you know,

the acreage or the square footage of the driveways, the house, the patio, improvements, that sort of thing, the development coverage for that lot is going to be 18.2 percent which is greater than the 12 percent so we need to get a variance for that as well. And that's just a function of what was existing and the fact that the lot's being made smaller. There are certain aspects of the lots that do not meet the town's requirements. I had kind of put those out on the table underneath the zoning table to go through it. The first note has to do with the lot acreage and as I just explained, I underlined the portions of the project that need variances so it's an area variance in the amount of 27,617 square feet is required for lot 18. The second note talked about the lot width measured at the required front yard setback and essentially neither of the lots meet the requirement but we're not changing the lot width at the front yard setback, so it's our understanding that it's an existing, non-conforming condition that's not being changed as a result of the project. So our understanding is we would not need a variance for that. Likewise, in number three, note number three we talk about lot width measured at the rear setback line and that's being changed. Essentially, with regards to those two lots for lot 17 the lot width at the required rear yard is, it's 138.4 feet and after the project it's going to be 152, 160 feet is the requirement for that. Lot 18 which is modified again because of the change, the lot line change is going from 178.5 feet to 164.2 feet.

MS. RANSOM: So that was one of the questions that was left open was that the rear lot width required at the rear yard so for lot 18 it still meets the ordinance?

MR. HIGGINS: Yes, yes. And I did bring, cause I understood from speaking with Ronny Knowlton that the board had a question, I wasn't sure that was something they wanted on the map or just wanted explained but I did have maps that actually show these dimensions on them now if that's what you're looking for on the map.

MS. RANSOM: I think we wanted to make sure that what was in the box here is actually what measures on the property.

MR. HIGGINS: Yes, and I also added the note, I highlighted it here, basically just describes that it's measured in accordance with the Town Code which is perpendicular to the side lot lines and parallel to the

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street line at the front and at the back it's parallel to the rear property line. So I've added the notes on the plans to reflect that as well.

MS. RANSOM: Okay.

MR. RODD: Basically the only increase in the non-conformity would be for lot 18 and that would be for lot size and development coverage?

MR. HIGGINS: That's correct, yes.

MS. RANSOM: So those are the two items that you're asking us to vary from the zoning ordinance?

MR. HIGGINS: Yes.

MS. RANSOM: Okay, questions?

MS. REGAN: No

MR. LEE: No.

MR. DOBIAS: No.

MS. ROBERTS: No.

MS. RANSOM: Anything else you'd like too add?

MR. HIGGINS: I do know if we're able to obtain the variance we're going to have to go back to the planning board to effectuate the lot line change.

MS. RANSOM: Then we'll start our regular meeting.

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REGULAR MEETING

MS. RANSOM: Do I have a motion that the board go into closed session to address legal issues with counsel?

MR. LEE: So moved.

MS. REGAN: Second it.

ROLL CALL

MS. REGAN	AYE
MS. ROBERTS	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

(Discussion was held off the record. Whereupon,
following which, these further proceedings
transpired.)

APPROVAL OF MINUTES

MS. RANSOM: The June 17, 2013 minutes have been submitted. Are there any additions or corrections? Do I have a motion to approve the minutes as submitted?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MS. ROBERTS	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

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DECISION - ELIAKOSTAS & ZAGON

MS. RANSOM: We have one piece of correspondence, Orange County Planning has left this to local determination. Do I have a motion to close the public hearing on the Eliakostas and Zagon lot line change?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MS. ROBERTS	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

MS. RANSOM: We're being asked to approve a lot line change where lot 18 which already has insufficient lot area seeks to increase the non-conformity by transferring .048 acres to lot 17. The requested transfer of .048 acres to lot 17 will leave lot 18 with a total of 1.366 acres which is .6339 acres short of the two acres required by zoning. The requested transfer of lot area will also increase the deficiency of lot 18 with the maximum allowable development coverage leaving a total lot development coverage of 18.2 percent, whereas the requirements are a maximum of 12 percent. So let's take the grounds for relief one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No, it's not even going to be obvious.

MS. RANSOM: No, I mean, you know, if you drive by you're certainly not going to notice this lot line change. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Not really.

MR. DOBIAS: No.

MS. RANSOM: And I think that obviously the neighbors

have come to an agreement that it's mutually satisfactory to both of them rather than ripping up the driveway, taking down the fence, removing the landscaping. Is the requested variance substantial?

MS. REGAN: Not really.

MS. RANSOM: Not really, the fact that it's all existing. Will the proposed variance have an adverse effect or impact on the physical or environment conditions in the neighborhood or the district?

MS. REGAN: No.

MS. RANSOM: No, not at all. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but I think they have--

MS. REGAN: Demonstrated that it was an error, it was a mistake.

MS. RANSOM: And it's the best they can do. Okay, do I have a motion to approve these two area variance requests?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS: So for the record, I'd like to say that my father-in-law is John Lanc from Lanc & Tully Engineering and I have not discussed this matter with him and I vote to approve the variance.

MS. REGAN AYE

MR. DOBIAS AYE

MR. LEE AYE

MS. RANSOM AYE

MS. RANSOM: Do I have a motion that this area variance is a Type II action under SEQRA?

MR. LEE: So moved.

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MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MS. ROBERTS	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

MR. RANSOM: The building department will know tomorrow.

MR. HIGGINS: Great, okay and I guess there will be, there is a formal variance because the planning board wanted the date of the variance and I don't know if there's exact language that needs to go on?

MR. RODD: Yeah, well, obviously, the minutes will indicate that the variance was granted, that will be filed with the clerk so as of tonight, the variance is granted. Resolution will follow to memorialize it but when it's filed, when the minutes are filed with the clerk, you have your variance.

MR. HIGGINS: Great, alright, perfect, thank you.

MS. RANSOM: Anything else to come before the board? Motion to adjourn?

MS. REGAN: So moved.

MR. LEE: Second it.

ROLL CALL

MS. REGAN	AYE
MS. ROBERTS	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer